

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GOLDENWIN INTERNATIONAL CO.,  
LTD.,

Plaintiff,

-against-

**MEMORANDUM AND ORDER**  
14-CV-4937 (FB) (RML)

MARK NEKTALOV a/k/a MARK  
NEKTA, NEKTA AUTO GROUP, INC.,  
NEKTA AUTO LEASING, INC., and  
JOHN DOES 1-10,

Defendants.

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*Appearances:*

*For the Plaintiff:*

DAVID A. SCHWARTZ, ESQ.  
Gruber Schwartz & Posnock, LLP  
99 Corbett Way, Suite 203  
Mt. Sinai, NY 11766

**BLOCK, Senior District Judge:**

On June 2, 2015, Magistrate Judge Robert Levy issued a Report and Recommendation (“R&R”) recommending that default judgment be entered in favor of plaintiff against defendants in the total amount of \$423,899.61, consisting of \$422,890.00 in damages and \$1,009.61 in costs. R&R at 4. The R&R further stated that failure to object within fourteen days would preclude appellate review. *Id.* Defendants were served a copy of the R&R on June 3, 2015. *See* Dkt. Entry No. 17. To date, no objections have been filed.

If clear notice has been given of the consequences of the failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure to timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here. As such, the Court adopts the R&R without *de novo* review and directs the Clerk to enter judgment in accordance with the R&R.

**SO ORDERED.**

/S/ Frederic Block  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
June 18, 2015